

MINUTES

OF THE

OCTOBER 17, 2019 REGULAR BUSINESS MEETING



OF THE

OKLAHOMA WORKERS' COMPENSATION COMMISSION

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 15, 2018 at 4:02 p.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE OCTOBER 17, 2019 REGULAR BUSINESS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on October 17, 2019.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Sarah Greenwalt McMurray, WCC; Dana Esparza, WCC; Eric Russell, WCC; Sharon Smith, WCC; Barney Welch, SIGFB; Richard Fisher, SIGFB; and Andrea Delling, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

1. Approval of Minutes

The drafted minutes of the September 19, 2019, October 2, 2019, and October 9, 2019, public meetings of the Commission were considered for approval.

Motion: Commissioner Tilly moved to approve the minutes of the September 19, 2019, October 2, 2019, and October 9, 2019 public meetings.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

2. Consent Agenda for Travel Vouchers Currently Outstanding

85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved

by the Commission. In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

Motion: Commissioner Tilly moved to approve Consent Agenda as proposed.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

3. Discussion and Consideration of Instructing the CFO to Transfer to the Self-insurance Guaranty Fund Excess Proceeds for Acme Fence, Builder Transport, and HealthCor Holdings

Pursuant to 85A O.S. § 99(B), the Commission shall transfer to the Self-insurance Guaranty Fund (“SIGF”) proceeds the SIGF Board has determined to be excess proceeds of security remaining after claims for benefits and associated administrative costs have been paid. The Commission considered directing the Commission CFO to transfer the 701 account balances for Acme Fence, Builder Transport, and HealthCor Holdings to the Self-insurance Guaranty Fund.

Andrea Delling was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve the transfer as presented.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

4. Approval of Proposed Dates for the Commission’s 2020 Regular Business Meetings

Under 25 O.S. § 311, all public bodies shall give notice in writing to the Secretary of State by December 15th of each calendar year of the schedule showing the date, time, and place of the regularly scheduled meetings of such public bodies for the following calendar year. The Commission considered scheduling the following dates for its 2020 regular meeting schedule:

**Business Meetings
Thursdays – 1:30 p.m.**

January 16, 2020
February 20, 2020
March 5, 2020
April 16, 2020
May 21, 2020
June 18, 2020
July 16, 2020
August 20, 2020
September 17, 2020
October 15, 2020
November 19, 2020
December 17, 2020

**Appeals Hearings
Fridays – 9:00 a.m.**

January 24, 2020
February 21, 2020
March 6, 2020
April 17, 2020
May 22, 2020
June 19, 2020
July 17, 2020
August 21, 2020
September 18, 2020
October 16, 2020
November 20, 2020
December 18, 2020

Motion: Commissioner Russell moved to approve next year’s dates as amended.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

5. Discussion and Consideration of Commission Policies

The Commission will discuss and consider adopting and/or modifying the following policy:

- a) WCC-14 – Workplace Violence and Anti-Bullying Policy

Sarah Greenwalt McMurray was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to continue this agenda item.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

The Commission discussed either creating a social media policy pursuant to SB 198, or adopting a draft policy authored by the Oklahoma Attorney General's Office.

Sarah Greenwalt McMurray was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to continue this agenda item.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

4. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) and (B)(4)

1. The Commission discussed the employment evaluation, promotion, salary or performance of the Executive Director.

2. The Commission discussed hiring and salary for Candidate A for the position of General Counsel. The Commission discussed an acceptable level of annual leave Candidate A may transfer to the Commission.

A. Motion and Vote to enter into Executive Session.

Motion: Commissioner Tilly moved to enter into Executive Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

B. Motion and Vote to Reconvene in Open Session.

Motion: Commissioner Tilly moved to reconvene into Open Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

MOTIONS ARISING OUT OF EXECUTIVE SESSION

4(1). The Commission discussed the employment evaluation, promotion, salary or performance of the Executive Director.

Motion: Commissioner Tilly moved to increase Executive Directors Salary as discussed.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

4(2). The Commission discussed hiring and salary for Candidate A for the position of General Counsel. The Commission discussed an acceptable level of annual leave Candidate A may transfer to the Commission.

Motion: Commissioner Tilly moved to hire candidate A at salary as discussed in executive session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

7. New Business

There was no new business.

8. Announcements

Pursuant to 85A O.S. § 50(H)(14), the Commission has contracted with Fair Health to review regional and nationwide comparisons of Oklahoma's Fee Schedule rates. Fair Health will be accepting written public comments on potential revisions of the current Fee Schedule through November 7, 2019. At 10:00 a.m. on November 7, 2019, the Commission will hold a special business meeting at which Fair Health will receive any oral public comments.

The Commission's next regular appeals meeting is on Friday, October 25, 2019. The Commission's next special business meeting is on Thursday, November 7, 2019.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved to adjourn.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried. The meeting adjourned.